

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

JAMES D. FRALEY, III

Criminal Action No.

1:16-cr-00231-RWS

FINAL ORDER AND JUDGMENT OF FORFEITURE

This matter is before the Court on the Government's Motion for Final Order of Forfeiture for property seized from Defendant James D. Fraley, III. The Court entered the Consent Preliminary Order of Forfeiture on October 30, 2023, (Doc. 218), forfeiting the Defendant's interest in the following property to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c):

I. REAL PROPERTY

- A. Real Property known as 126 Artie Lane, Rossville, GA 30741, Parcel Tax Identification Number 0125-051, together with all appurtenances thereto, improvements thereon, furnishings and fixtures;

All that tract or parcel of land lying and being in Original Land Lot Number 186 in the 9th District and 4th Section of Walker County, State of Georgia, being known and designated as Lot Number Nine (9) of Rolling Green Ridge Subdivision, as shown by plat recorded in Plat Book 5, Page 16, in the Office of the Clerk of the Superior Court of Walker County, Georgia. Parcel Tax ID No.: 0125-051.

- B. Real property known as 2271 Johnson Road, Chickamauga, Georgia 30707, together with all appurtenances thereto, improvements thereon, furnishings and fixtures, more particularly described as:

All that tract or parcel of land lying and being in Land Lot 224 in the 9th District and 4th Section of Walker County, Georgia and being more particularly described as follows, to wit:

Begin at the point of intersection of the easterly right-of-way of Johnson Road and the southerly right-or-way of Vettetoe Road and from said point traveling southwesterly along and with the easterly right-of-way of Johnson Road a distance of 190.0 feet to a point, said point being designated as point of beginning; thence north 73 degrees 36 minutes 32 seconds east a distance of 209.96 feet to a point located on the easterly right-of-way of Johnson Road; thence north 21 degrees 58 minutes 00 seconds west along and with the easterly right-of-way of Johnson Road a distance of 125.0 feet to a point, said point being the point of beginning. Parcel Tax ID No.: 0-163-017A

- C. Real Property known as 640 Mission Ridge Road, Rossville, GA 30741, together with all appurtenances thereto, improvements thereon, furnishings and fixtures;

ALL THAT TRACT OR PARCEL OF LAND lying and being in original Land Lot No. 138 In The 9th District 4th Section of Walker County, Georgia, being more particularly described as follows:

Beginning at a point on the east line of Mission Ridge Road, a distance of 235.71 feet north as measured along the east line of Mission Ridge Road from its intersection with the north line of Meecham Road; Thence north 37 Degrees 03 Minutes 45 Seconds east, along the east line of Mission Ridge Road, a distance of 205.4 Feet to a point; thence south 17 Degrees 19 Minutes east, a distance of 126.76 feet to a point; thence south 25 Degrees 43 Minutes west, a distance of 111.39 feet to a point; Thence north 63 Degrees 04 Minutes West, a distance of 126.9 Feet to the east line of Mission Ridge Road, the point of beginning.

- D. Real Property located in Walker County, Georgia, together with all appurtenances thereto, improvements thereon, furnishings and fixtures, more particularly described as follows:

All that tract or parcel of land lying and being in Original Land Lot Nos. 136 and 137, in the 9th District and 4th Section of Walker County, Georgia, being known and designated as Lot No. 7, WARREN TERRACE SUBDIVISION, as shown on plat of said subdivision of record in Plat Book 5, Page 75, in the Office of the Clerk of the Superior Court of Walker County, Georgia. Being the same property described in Deed Book 1735, Page 480, in the Office of the Clerk of the Superior Court of Walker County, Georgia;

- E. Real Property located in Walker County, Georgia, together with all appurtenances thereto, improvements thereon, furnishings and fixtures, more particularly described as follows:

TRACT I: ALL THAT TRACT OR PARCEL of land lying and being in Original Land Lot No. 246, in the 9th District and 4th Section of Walker County, Georgia, and being more particularly described as follows: BEGINNING at a point on the Old Road, which beginning point is 100 feet measured along the Old Road from the Northeast corner of the Mamie Buckland Tract; thence with and along the Old Road in a Northeasterly direction a distance of 100 feet; thence in a Southerly direction a distance of 105 feet to a point; thence in a Westerly direction a distance of 100 feet to the Southeast corner of other property deeded to Romaince Ellison and wife, Carrie Dozier Ellison, and Tony Higgin, as described in Deed Book 319, Page 46, in the Office of the Clerk of the Superior Court of Walker County, Georgia; thence with and along the East line of the aforementioned Ellison and Higgin property, in a Northerly direction, a distance of 105 feet to the POINT OF BEGINNING. And being a lot of land 100 feet wide by 105 feet deep fronting on the Old Road.

TRACT II: ALL THAT TRACT OR PARCEL of land lying and being in Original Land Lot No. 246, in the 9th District and 4th Section of Walker County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the Old Road, which beginning point is the Northeast corner of the Mamie Buckland tract; thence continuing with and along the Old Road as it meanders in a Northeasterly direction a distance of 100 feet to a point; thence in a Southerly direction and running parallel with the East line of the Buckland tract a distance of 105 feet to a point; thence in a Westerly direction a distance of 100 feet to the East line of the Buckland tract; thence with and along the West line of the Buckland tract in a Northerly direction a distance of 105 feet to the POINT OF BEGINNING. And being a lot of land 100 feet wide by 105 feet deep fronting on the Old Road.

Tracts I and II being further described as 0.48 acres in a Survey for David Clark prepared by Max Randal Compton (GRLS No. 2584) dated November 5, 2009 (Job No 9—140) and, according to said survey, being more particularly described as follows: BEGINNING at a point of the Southeastern right of way line of Lail Sawmill Road at a point which is a distance of 179.2 feet Northeast of the intersection of the Southeastern right of way line of Lail Sawmill Road and the Northern right of way line of GA Hwy. No. 341; thence along and with the Southeastern right of way line of Lail Sawmill Road, North 31 degrees 02 minutes 33 seconds East, a distance of 200 feet to a one inch pipe; thence leaving said right of way line, South 63 degrees 13 minutes 52 seconds East, a distance of 105 feet to a point; thence South 31 degrees 02 minutes 33 seconds West, a distance of 200 feet to a point; thence North 63 degrees 13 minutes 52 seconds West, a distance of 105 feet to a point on the Southeastern right of way line of Lail Sawmill Road, the POINT OF BEGINNING. A copy of said survey is attached as Exhibit "A" to that certain Quitclaim Deed Recorded in Deed Book recorded in Deed Book 1644, Page 414, in the Office of the Clerk of the Superior Court of Walker County, Georgia and is hereby incorporated herein by specific reference thereto. BEING the same real estate described in Deed Book 1644, Page 414, in the Office of the Clerk of Superior Court of Walker County, Georgia, Parcel Tax Identification Number 0-146 058;

- F. Real Property located in Chattanooga, Tennessee, together with all appurtenances thereto, improvements thereon, furnishings and fixtures, more particularly described as follows:

LOCATED IN THE CITY OF CHATTANOOGA, HAMILTON COUNTY, TENNESSEE BEING the South one-half of Lot 28, BLOCK 16, D.F. SHAUF'S ADDITION, fronting 48 feet, more or less, on the West line of St. Elmo Avenue, and running between parallel lines, a distance of 175 feet to the East line of the Shauf Place. BEING the same real estate described Deed Book 3884, Page 579, in the Register's Office of Hamilton County, Tennessee, Parcel Tax Identification Number 167"O"-B-015.

(Doc. 26.)

In accordance with the notice requirements set forth in 21 U.S.C. § 853(n)(1), as incorporated by 28 U.S.C. § 2461(c), the United States published notice of the preliminary order of forfeiture, and of its intent to dispose of the property, on the official government internet site forfeiture.gov for at least 30 consecutive days. However, no one has filed a petition to the property, and the deadline for doing so has expired.

This Court, having found that the Defendant's interest was forfeited to the United States in the Consent Preliminary Order of Forfeiture, that the United States published notice of the preliminary order of forfeiture, and of its intent to dispose of the property, in accordance with 21 U.S.C. § 853(n) and 28 U.S.C. § 2461(c), that no third party has filed a petition claiming an interest in the property and that the time for filing such petition has expired, it is hereby ORDERED, ADJUDGED AND DECREED that:

1. A final forfeiture judgment against the following property is hereby entered pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c):

I. REAL PROPERTY

- A. Real Property known as 126 Artie Lane, Rossville, GA 30741, Parcel Tax Identification Number 0125-051, together with all appurtenances thereto, improvements thereon, furnishings and fixtures;

All that tract or parcel of land lying and being in Original Land Lot Number 186 in the 9th District and 4th Section of Walker County, State of Georgia, being known and designated as Lot Number Nine (9) of Rolling Green Ridge Subdivision, as shown by plat recorded in Plat Book 5, Page 16, in the Office of the Clerk of the Superior Court of Walker County, Georgia. Parcel Tax ID No.: 0125-051.

- B. Real property known as 2271 Johnson Road, Chickamauga, Georgia 30707, together with all appurtenances thereto, improvements thereon, furnishings and fixtures, more particularly described as:

All that tract or parcel of land lying and being in Land Lot 224 in the 9th District and 4th Section of Walker County, Georgia and being more particularly described as follows, to wit:

Begin at the point of intersection of the easterly right-of-way of Johnson Road and the southerly right-or-way of Vettetoe Road and from said point traveling southwesterly along and with the easterly right-of-way of Johnson Road a distance of 190.0 feet to a point, said point being designated as point of beginning; thence north 73 degrees 36 minutes 32 seconds east a distance of 209.96 feet to a point located on the easterly right-of-way of Johnson Road; thence north 21 degrees 58 minutes 00 seconds west along and with the easterly right-of-way of Johnson Road a distance of 125.0 feet to a point, said point being the point of beginning. Parcel Tax ID No.: 0-163-017A

- C. Real Property known as 640 Mission Ridge Road, Rossville, GA 30741, together with all appurtenances thereto, improvements thereon, furnishings and fixtures;

ALL THAT TRACT OR PARCEL OF LAND lying and being in original Land Lot No. 138 In The 9th District 4th Section of Walker County, Georgia, being more particularly described as follows:

Beginning at a point on the east line of Mission Ridge Road, a distance of 235.71 feet north as measured along the east line of Mission Ridge Road from its intersection with the north line of Meecham Road; Thence north 37 Degrees 03 Minutes 45 Seconds east, along the east line of Mission Ridge Road, a distance of 205.4 Feet to a point; thence south 17 Degrees 19 Minutes east, a distance of 126.76 feet to a point; thence south 25 Degrees 43 Minutes west, a distance of 111.39 feet to a point; Thence north 63 Degrees 04 Minutes West, a distance of 126.9 Feet to the east line of Mission Ridge Road, the point of beginning.

- D. Real Property located in Walker County, Georgia, together with all appurtenances thereto, improvements thereon, furnishings and fixtures, more particularly described as follows:

All that tract or parcel of land lying and being in Original Land Lot Nos. 136 and 137, in the 9th District and 4th Section of Walker County, Georgia, being known and designated as Lot No. 7, WARREN TERRACE SUBDIVISION, as shown on plat of said subdivision of record in Plat Book 5, Page 75, in the Office of the Clerk of the Superior Court of Walker County, Georgia. Being the same property described in Deed Book 1735, Page 480, in the Office of the Clerk of the Superior Court of Walker County, Georgia;

- E. Real Property located in Walker County, Georgia, together with all appurtenances thereto, improvements thereon, furnishings and fixtures, more particularly described as follows:

TRACT I: ALL THAT TRACT OR PARCEL of land lying and being in Original Land Lot No. 246, in the 9th District and 4th Section of Walker

County, Georgia, and being more particularly described as follows: BEGINNING at a point on the Old Road, which beginning point is 100 feet measured along the Old Road from the Northeast corner of the Mamie Buckland Tract; thence with and along the Old Road in a Northeasterly direction a distance of 100 feet; thence in a Southerly direction a distance of 105 feet to a point; thence in a Westerly direction a distance of 100 feet to the Southeast corner of other property deeded to Romaince Ellison and wife, Carrie Dozier Ellison, and Tony Higgin, as described in Deed Book 319, Page 46, in the Office of the Clerk of the Superior Court of Walker County, Georgia; thence with and along the East line of the aforementioned Ellison and Higgin property, in a Northerly direction, a distance of 105 feet to the POINT OF BEGINNING. And being a lot of land 100 feet wide by 105 feet deep fronting on the Old Road.

TRACT II: ALL THAT TRACT OR PARCEL of land lying and being in Original Land Lot No. 246, in the 9th District and 4th Section of Walker County, Georgia, and being more particularly described as follows: BEGINNING at a point on the Old Road, which beginning point is the Northeast corner of the Mamie Buckland tract; thence continuing with and along the Old Road as it meanders in a Northeasterly direction a distance of 100 feet to a point; thence in a Southerly direction and running parallel with the East line of the Buckland tract a distance of 105 feet to a point; thence in a Westerly direction a distance of 100 feet to the East line of the Buckland tract; thence with and along the West line of the Buckland tract in a Northerly direction a distance of 105 feet to the POINT OF BEGINNING. And being a lot of land 100 feet wide by 105 feet deep fronting on the Old Road.

Tracts I and II being further described as 0.48 acres in a Survey for David Clark prepared by Max Randal Compton (GRLS No. 2584) dated November 5, 2009 (Job No 9–140) and, according to said survey, being more particularly described as follows: BEGINNING at a point of the Southeastern right of way line of Lail Sawmill Road at a point which is a distance of 179.2 feet Northeast of the intersection of the Southeastern right of way line of Lail Sawmill Road and the Northern right of way line of GA Hwy. No. 341; thence along and with the Southeastern right of way line of Lail Sawmill Road, North 31 degrees 02 minutes 33 seconds East, a distance

of 200 feet to a one inch pipe; thence leaving said right of way line, South 63 degrees 13 minutes 52 seconds East, a distance of 105 feet to a point; thence South 31 degrees 02 minutes 33 seconds West, a distance of 200 feet to a point; thence North 63 degrees 13 minutes 52 seconds West, a distance of 105 feet to a point on the Southeastern right of way line of Lail Sawmill Road, the POINT OF BEGINNING. A copy of said survey is attached as Exhibit "A" to that certain Quitclaim Deed Recorded in Deed Book recorded in Deed Book 1644, Page 414, in the Office of the Clerk of the Superior Court of Walker County, Georgia and is hereby incorporated herein by specific reference thereto. BEING the same real estate described in Deed Book 1644, Page 414, in the Office of the Clerk of Superior Court of Walker County, Georgia, Parcel Tax Identification Number 0-146 058;

- F. Real Property located in Chattanooga, Tennessee, together with all appurtenances thereto, improvements thereon, furnishings and fixtures, more particularly described as follows:

LOCATED IN THE CITY OF CHATTANOOGA, HAMILTON COUNTY, TENNESSEE BEING the South one-half of Lot 28, BLOCK 16, D.F. SHAUF'S ADDITION, fronting 48 feet, more or less, on the West line of St. Elmo Avenue, and running between parallel lines, a distance of 175 feet to the East line of the Shauf Place. BEING the same real estate described Deed Book 3884, Page 579, in the Register's Office of Hamilton County, Tennessee, Parcel Tax Identification Number 167"O"-B-015.

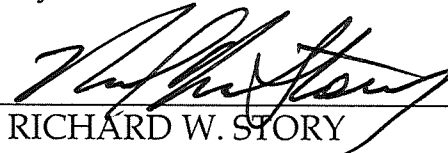
(Doc. 26.)

2. All right, title and interest in the above property is hereby condemned, forfeited, and vested in the United States and shall be disposed of according to law.

//
//
//

3. The United States District Court shall retain jurisdiction in this case for the purpose of enforcing this Order.

SO ORDERED THIS 20th day of MARCH, 2024.

A handwritten signature in black ink, appearing to read 'Richard W. Story', is written over a horizontal line.

RICHARD W. STORY
UNITED STATES DISTRICT JUDGE

Prepared by:

Kelly K. Connors, Assistant United States Attorney
(404) 581-6000